

Exhibit 21

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANDREW L. COLBORN,)

)

Plaintiff,)

)

vs.)

Case No.: 19-CV-0484

)

NETFLIX, INC., et al.,)

)

Defendants.)

)

C O N F I D E N T I A L

VIDEO-RECORDED DEPOSITION OF LISA NISHIMURA
Los Angeles, California
Friday, April 29, 2022

REPORTED REMOTELY BY:

NATALIE ALCOTT-BERNAL, CSR No. 13105

1 Q Were you involved in specific types of films or
2 what -- at that company?

3 A The company released a relatively wide array of
4 independent film, everything from documentary to
5 independent film across multiple genres.

6 Q And, so, did you do editing, for example?

7 A I've never been an editor.

8 Q Were you involved in production?

9 A Occasionally.

10 Q In what roles did you play with respect to
11 production?

12 A Providing creative feedback.

13 Q How long did you hold the role of general
14 manager?

15 A Approximately three to four years.

16 Q And then what was the next job that -- oh.

17 A I just want to say that's my best recollection.

18 Q Sure. I'm sorry.

19 What was your next position after that role?

20 A I left the company after that role.

21 Q And did you join another company?

22 A I did.

23 Q And what company was that?

24 A Netflix.

25 Q And what position were you hired into at

1 Q Do you know whether anyone else on the Netflix
2 creative team reviewed the assembled footage that they
3 had?

4 A I don't know with any certainty.

5 Q Do you recall reviewing any assembled footage at
6 any time -- or strike that.

7 Do you recall reviewing any raw footage at any
8 time while you were working on the Making a Murderer
9 series?

10 A I'd like to clarify how you define "raw
11 footage."

12 So, you see here when they refer to "assembled
13 footage," you know, that is what the filmmakers do;
14 right? So, they had been working on the project for
15 many, many years, and I imagine, at that point, had
16 hundreds, if not thousands of hours of footage.

17 So, we would review material, but material as
18 provided by the filmmakers in an assembled form. So,
19 edited by them.

20 Q Thank you. I appreciate that clarification.

21 When you refer to material that you reviewed,
22 what type of material did you review for the series
23 during the course of production other than actual cuts?

24 A It was primarily cuts.

25 Q The second -- the next paragraph in that page

1 meaning there was, like, a living quarter and a place to
2 sit outside, and you could eat, and there was an office.
3 It was sort of a combined creative space where they did
4 have some editing stations as well.

5 So, one could go there to meet and have a cup of
6 tea and just talk. One could go and meet, and they could
7 screen a episode for you. It was sort of a multi-use
8 creative space.

9 Q Do you recall whether any -- or strike that.

10 Do you know whether anyone from the Netflix
11 creative team participated in any of the edits made at
12 the Synthesis offices?

13 A No. All of the editing was controlled purely by
14 the filmmakers.

15 Q Did you -- do you know whether anyone's ever
16 present from the Netflix team during that process?

17 A I don't have a direct recollection. But I --
18 you know, at a certain point in the production there were
19 multiple editors working at any time. And I wouldn't --
20 I would imagine there might be an occasion when I was
21 there having a meeting and there were editors working in
22 another room potentially.

23 But to be clear, no one on my team is a trained
24 editor. And the software and the actual mechanism of
25 editing is not one that I myself or anyone on my creative

1 team is trained in.

2 Q Have you ever attempted editing?

3 A No, I have not.

4 Q Directing your attention to the next page in
5 Exhibit 5, CA -- sorry. Strike that.

6 Directing your attention to the next page in
7 Exhibit 5, NFXCOL 1909.

8 A I have it.

9 Q That document consists of a -- an e-mail message
10 from Laura Ricciardi to you and to Adam Del Deo, dated
11 November 14, 2013; is that correct?

12 A Yes.

13 Q And that e-mail states, "...attached for review
14 and approval the series outline for MAKING A MURDERER."

15 Do you see that?

16 A I do.

17 Q And that was sent by -- or it's signed by Laura
18 and Moira; correct?

19 A Yes.

20 Q The -- and when I say "signed," I meant that is
21 the signature block, but it's typed; correct?

22 A Correct. Yes.

23 Q So, following that document in Exhibit 5, there
24 are 20 pages Bates-stamped NFXCOL 1910 through
25 NFXCOL 1929.

1 understand.

2 THE WITNESS: I don't quite understand. I
3 believe that this is probably more around intent that
4 makes more sense to discuss with the filmmakers.

5 BY MS. BARKER:

6 Q I'll restate the question.

7 If Mr. Colborn alleges that -- among other
8 things in this case, that physical representations of him
9 were changed in response to various questions during his
10 testimony at the Avery trial, if that's the case, what
11 would be the purpose for changes that are strictly
12 relating to the physical appearance of Mr. Colborn rather
13 than changes that, for example, reduce the time devoted
14 to a particular moment in the trial?

15 MS. WALKER: Same objections.

16 You can answer.

17 THE WITNESS: I don't personally have any
18 knowledge of changes that are made, and, so, it's hard
19 for me to speculate on motive for change.

20 BY MS. BARKER:

21 Q Right. But I'm -- you -- strike that.

22 You give and gave a considerable amount of
23 guidance to the filmmakers during the making of Making a
24 Murderer; correct?

25 A Sure. We were partners.

1 parties.

2 Do you see that?

3 A I do.

4 Q And would you say that there were, in fact,
5 regular consultations between Netflix and Synthesis with
6 respect to the progress of Season 1 of the series?

7 A I would. We were in pretty regular contact.

8 Q And there will be some discussion of some
9 documents that also refer to calls. So I just want to
10 let you know that in advance. But my question,
11 specifically, is whether there was a weekly or a,
12 approximately, weekly status call between Netflix and
13 Synthesis, which then became Chrome, during the
14 production of Making a Murderer?

15 A We were in pretty regular contact. I would say
16 the form of that contact would vary. So, certainly, some
17 calls. Sometimes it was done through e-mail. So, I
18 don't know that we were every single week on a phone
19 call, but we were in contact.

20 Q The next sentence states Netflix also --
21 "Netflix shall receive copies of selected footage as
22 reasonably requested by Netflix."

23 Do you see that?

24 A I do.

25 Q Do you have a recollection of any requests for

1 selected footage that were made by anyone from Netflix?

2 A You know, because -- and I think it states it in
3 the agreement -- the directors/the creators had been
4 working on the project so long, that the vast majority of
5 any footage we were seeing were either in cut form or
6 sequenced or assembled in some way. So just to be clear
7 on how I define footage in this regard.

8 Q Okay. So with that clarification, you may have
9 seen footage?

10 A We saw cuts, certainly, as described in the
11 schedule.

12 Q Understood.

13 As you -- sorry. Strike that.

14 Do you have a specific recollection of
15 requesting any footage that -- for comparison with the
16 footage as assembled by the filmmakers?

17 A No.

18 Q Directing your attention to the next page
19 Bates-stamped NFXCOL 128.

20 A Shall I read it?

21 Q I'm specifically directing -- yes. I'm
22 specifically directing your attention to the first
23 sentence under the heading "Meaningful Consultation."
24 But you can feel free to read as much of it as you would
25 like.

1 wrong. It looks like it's a paragraph return. It's a
2 formatting issue under the section called "Cold Open."
3 Again, I haven't done a side-by-side. But --

4 Q Okay.

5 A -- I believe there's a possibility that that --
6 the words are actually all the same and that a paragraph,
7 a carriage return, was entered in between those two.

8 Q Okay. Yes. That's what I'm trying to figure
9 out, is if there's --

10 A I don't know if there are substantive changes
11 inside the actual document itself. But that's -- at a
12 first glance, is what it appears to be.

13 Q Typically, when you would prepare notes for a
14 special episode and version and in a format, say, such as
15 this, would there be changes to those notes after they
16 were forwarded to the team?

17 A Not by intent. I mean, it's a Google Doc that
18 everyone has access to. So, you know, again, everyone's
19 a little bit different in the way they like to format
20 their notes, which you've probably noticed, looking
21 through material. But once we sent it -- you know, the
22 notes are a basis to start a discussion with the
23 filmmakers. So that's why there's multiple versions.
24 So, normally, we just progress into the next round and
25 have a next round of notes and a new cut to discuss.

1 about them that may have been provided to you, you either
2 don't know or don't recall; is that correct?

3 A I don't know.

4 Q Then, directing your attention forward in the
5 document to the page that is -- has page 55 of 56 in the
6 folio at the bottom.

7 A Okay. I'm there.

8 Q At the bottom of the page, above the page number
9 "12," that's printed on the page, there's a -- some
10 bracketed highlighted text that starts with "Strang,"
11 colon. Do you see that?

12 A I'm not -- I see "Strang." I'm just not sure
13 which line you're referring to.

14 Q Right now I'm referring, for reference, to the
15 very last reference to "Strang" on that page. The one
16 that is opposite of where "This call sounded like
17 hundreds of other..."

18 A Oh. At the very bottom?

19 Q Yes.

20 A Yes. I see the line.

21 Q Okay. And then above that there's bracketed
22 text that says, "sustained objection omitted." Do you
23 see that?

24 A I do.

25 Q And then above that there's another paragraph

1 them out loud.

2 A Oh.

3 Q To yourself. Sorry about that.

4 A That's okay. Thanks.

5 I've read the lines.

6 Q Thank you.

7 Another -- so representing to you, also, that
8 Mr. Colborn's allegation in this document -- and specific
9 to this passage -- is that the lines that are in yellow
10 highlight were edited out or removed from the
11 representation of that passage in Making a Murderer,
12 Episode 5.

13 And my question is: Do you agree that removing
14 the yellow highlight lines from that passage would effect
15 the meaning of the testimony provided by Mr. Colborn?

16 A It's hard, looking at this out of context and
17 not recalling the scene specifically. But I believe
18 that, again, just reading this for the first time, that
19 Colborn successfully makes his point saying, "I should
20 not have been and I was not looking at the license
21 plate." So I believe he made his point.

22 The removal of these other lines are more
23 succinct, but he's clear in his position. And speaking
24 to the macro, you know, the jury found Steven Avery
25 guilty. So I think they must have heard this as well.

CERTIFICATION OF COURT REPORTER

FEDERAL JURAT

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witness in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

That before completion of the deposition, a review of the transcript [X] was [] was not requested.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: May 13, 2022



Natalie Alcott-Bernal, CSR

CSR No. 13105